

PROB (2B  
(7/93)

Report Date: May 31, 2007  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
JUN 01 2007  
JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender  
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Kelly Matthew Clough Case Number: 2:01CR00169-001  
Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Chief U.S. District Judge  
Date of Original Sentence: 09/20/2002 Type of Supervision: Supervised Release  
Original Offense: Possession of an Unregistered Firearm, 26 U.S.C. § 5861(d) Date Supervision Commenced: 04/26/2007  
Original Sentence: Prison - 76 Months; TSR - 36 Months Date Supervision Expires: 04/25/2010

---

**PETITIONING THE COURT**

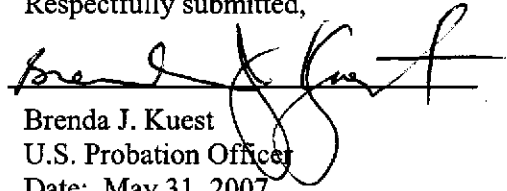
To modify the special conditions of supervision as follows:

- 8 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 9 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9<sup>th</sup> Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug and/or alcohol tests per month.

The offender signed the "Waiver of Hearing to Modify Conditions of Supervised Release" on May 24, 2007. He understands the rationale behind this modification. Mr. Clough continues to submit to Breathalyzer and drug testing. To date, all Breathalyzer and urine specimens provided by Mr. Clough have been negative.

Respectfully submitted,  
by   
Brenda J. Kuest  
U.S. Probation Officer  
Date: May 31, 2007

---

Prob 12B

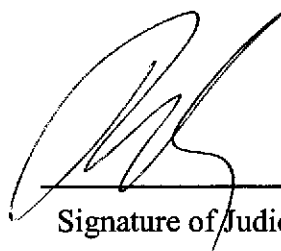
**Re: Clough, Kelly Matthew**

**May 31, 2007**

**Page 2**

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



\_\_\_\_\_  
Signature of Judicial Officer

June 1, 2007

\_\_\_\_\_  
Date